



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

JAN 31 2005

Robert Arnold  
Division Administrator  
Federal Highway Administration  
Leo W. O'Brien Federal Building  
North Pearl Street  
Albany, New York 12207

Dear Mr. Arnold:

The Environmental Protection Agency (EPA) has reviewed the final environmental impact statement (final EIS) for the Slingerlands Bypass extension (NYS Route 85) Cherry Avenue Extension to Albany City line (CEQ # 040567). This review was conducted in accordance with Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609, PL 91-604 12(a), 84 Stat. 1709), and the National Environmental Policy Act (NEPA).

The purpose for the project is to accommodate future traffic capacity needs, address safety deficiencies, and replace the deteriorating bridge over the New York State Thruway. In order to address these needs, the documents examined the construction of a new alignment from the Cherry Avenue extension to Blessing Road and adding lanes to the existing roadway north of Blessing Road to the Albany border.

In our letter of February 25, 2003, we rated the draft EIS with an EC-2, indicating our concerns with the alternatives analysis presented in the draft EIS, the proposed project's wetland impacts and the indirect and cumulative impacts associated with the project. For the most part, the final EIS addresses our concerns and clarified the issues surrounding the alternatives. We particularly appreciate the discussion of the cumulative impacts to the areas resources.

While the project will still have unavoidable impacts to wetlands in the area, we believe that those impacts, in particular to the forested wetlands, can be further minimized with additional project design modifications, (e.g., slight shifts in alignment or modifications to slopes or additional retaining walls). Additionally, we are concerned that the final EIS proposes a 2:1 creation ratio for forested wetlands. Though that is an increase over the proposal in the draft EIS, creation of forested wetlands is historically very difficult, and once created the success rate is not exceptionally high. Therefore, while we support the creation of forested wetlands contiguous to existing wetland areas, we recommend that the Record of Decision propose a higher creation ratio and offer a substantive monitoring program to ensure the success of the wetlands complex.

Thank you for the opportunity to comment on this project. If you have any questions concerning our comments, please contact David Carlson of my staff at (212) 637-3502.

Sincerely yours,

*Joseph Bergsten for*  
John Filippelli, Chief

Strategic Planning and Multi-Media Programs Branch

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